IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Bail Appl..No. 1005 of 2007()

CRL.MP.198/2007 of SESSIONS COURT,KOLLAM

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PETITIONER/1ST ACCUSED

M.UMMER, AGED 44 YEARS, S/O. MUHAMMED,
KOTTAKOLLI VEEDU, ATHIVALI MURI,
GOODALLUR VILLAGE, NEELAGIRI TALUK,
TAMIL NADU STATE.

BY ADV. SRI.A.MOHAMMED

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 1005 OF 2007

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DATED THIS THE 21ST DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the first accused in C.R.No.110/06 of Pathanapuram Excise Range for offences punishable under sections 8 (1), 8(2), 55(a) and 67B of the Abkari Act for allegedly transporting 4288 litres of rectified spirit in a tanker lorry at about 7.30 PM on 4.12.2006 and who was arrested on the same day, seeks his enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application, he fairly conceded that final report has not been filed before court even after 60 days of judicial custody of the petitioner. If so, the petitioner is entitled to bail as of right, by virtue of the proviso to section 167(2) Cr.P.C. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-III, Punalur and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn